



BKL 4/27/95 102-01932

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Inventor(s): Randall J. Huebner and Gene L. Conrad

Serial No. 08/242,738

Filed: 05/13/94

For: Humeral Nail for Fixation of Proximal Humeral Fractures

Examiner: Tucker, G.

Date: April 27, 1995

Art Unit: 3309

AMENDMENTCommissioner of Patents and Trademarks  
Washington, DC 20231

Sir:

In response to the Office action dated 02/22/95, Paper No. 3, please amend the above-identified patent application as follows:

In the specification:

At page 3, line 15, after "notch", insert --or alignment element--.

At page 4, after the paragraph ending on line 11, insert the following paragraph:

The nail may be constructed so that at least one of the transverse holes in the butt portion is offset from the reference plane by less than 45 degrees. The nail may define a distal transverse hole and may comprise a tip portion extending distally beyond the distal hole by a distance 20-50% of the total length of the nail.

In the claims:

1. (once amended) An elongated tapered nail for securing fractures of the proximal humerus comprising:

an elongated body having a curved shank configured to occupy an upper portion of the proximal humeral shaft, and a contiguous butt portion extending proximally from the shank and configured to occupy the humeral cortex;

the butt portion being shorter than the shank and defining a plurality of at least three transverse holes, each defining a hole axis, with the three hole axes angularly offset from each other, such that the holes may receive fasteners attached to fragments of the humeral cortex.

3. (once amended) The nail of claim 1 wherein the butt portion defines a central axis and each of

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on April 27, 1995 as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Bennet K. Langlotz, Attorney for Applicant